

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

JESSE L. ODEN, JR.,

Defendant.

No. 11-CR-30059-DRH

MEMORANDUM AND ORDER

HERNDON, Chief Judge:

Pending before the Court are defendant Jesse L. Oden, Jr.'s motion inquiring as to his eligibility for a sentence reduction under 18 U.S.C. § 3852(c)(2) (Doc. 35) and the federal public defender's motion to withdraw (Doc. 41). The government has responded to defendant's motion (Doc. 39). For the following reasons, the Court **DENIES** defendant's motion as **MOOT** (Doc. 35) and **GRANTS** the federal public defender's motion to withdraw as counsel of record in this matter (Doc. 41).

On January 13, 2012, defendant was sentenced to a total of 106 months imprisonment for three counts of distribution of cocaine base; one count of possession of a firearm during a drug trafficking crime; and one count of felon in possession of a firearm (Doc. 31). As the government correctly responds, defendant received the benefits of the Fair Sentencing Act at the time of his sentencing. Based on the 2011 edition of the Guidelines Manual, the Court determined defendant's total

offense level as 21 and his criminal history as category III, which resulted in an advisory guidelines range of 46-57 months in prison for counts 1,2,3, and 5. The Court sentenced defendant to the low end of the advisory guideline range of 46 months for counts 1,2,3, and 5 with an additional 60 month consecutive sentence for count 4. Thus, as defendant received the benefits of the Fair Sentencing Act at the time of his sentencing, the federal public defender seeks to withdraw as defendant's counsel in this matter. As the Court finds defendant received the benefits of the Fair Sentencing Act at the time of his sentencing, his motion is **DENIED** as **MOOT** (Doc. 35). Further, the federal public defender's motion to withdraw from this matter is **GRANTED** (Doc. 41).

IT IS SO ORDERED.

Signed this 3rd day of August, 2012.



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David R. Herndon
Date: 2012.08.03
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Chief Judge

United States District Court